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08-30-02P01:14 RCVD

**HAND DELIVERED
TO KREF**



August 29, 2002

**VIA FACSIMILE AND REGULAR MAIL
1-502-573-5622**

Hon. Rosemary F. Center
General Counsel
Kentucky Registry of Election Finance
140 Walnut Street
Frankfort, KY 40601

RE: Request for Advisory Opinion

Dear Ms. Center:

I am writing to request an Advisory Opinion from your office on behalf of my client, the Coalition Against a Government Takeover. The Coalition is an unincorporated association located in Lexington, Kentucky, formed by persons concerned with a local, non-ballot issue of interest to the public.

The Coalition wishes to send a written questionnaire or poll to all candidates on the November 2002 local ballot, or to interview those candidates. The questions will determine what, if any, position each candidate takes regarding the Coalition's issue.

The Coalition requests an opinion as to the following matters:

1. May the Coalition report to its members, without endorsement of any candidate, the response of candidates to written questions or interviews concerning the candidates' position on the Coalition's issue without any reporting requirement or registration with the Registry?

2. Can this same information be posted on the Coalition's website without any reporting requirement or registration with the Registry of Election Finance?
3. Can the Coalition publish and distribute, without comment or endorsement, the results of polls, questionnaires or interviews with candidates regarding the Coalition's issue?

The Coalition relies on the opinion of Kentucky Registry of Election Finance v. Louisville Bar Association, Ky.App., 579 S.W.2d 622 (1978). The issue discussed in that action which relates to the Coalition's current request involved publication by the Louisville Bar Association of a poll the Association conducted regarding judicial qualification. The poll results were to be published in a paid newspaper advertisement. The Court ultimately approved and allowed publication of the poll results with the qualification that:

" . . . any such paid advertisement shall not contain any language which in actuality, or upon fair construction, endorses, expresses a preference for, or advocates the election of any judicial candidate."

The Coalition would not propose to include any language in its materials or publications which would endorse a candidate, express a preference for a particular candidate, or advocate the election of any candidate.

Your attention to this matter is greatly appreciated, and certainly feel free to call on me at any time should you require additional information.

Very truly yours,

STOLL, KEENON & PARK, LLP

By: 

Eileen M. O'Brien

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